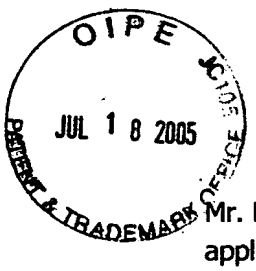
O'KANE / RICCI



Response To USPTO Office Action For Application #10/002,267

Mr. Meucci, please refer to the narrative and illustrations as it relates to the differences between application #1 and #2 to help further your understanding of our responses.

On the USTPO Office Action Summary:

- #4, #6 are explained thoroughly in the below responses as well as for in the main narrative (Exhibit "C") that depictures the material differences between my first and second applications.

As for the Detailed Action Summary, I will list my responses according to each line number in the Detailed Office Action Sheet.

Now, to the Examiners Detailed Action Sheet.

#1) Exhibits "A" thru "I" cover #1 (iii), (iv), (v) and (vii).

#2) We are very specific in the application, even down into the description. WE USE CENTRALIZED servers. Not one, but a minimum or four. All working together in order to: create a centralized, secure P2P environment, to track user activity, content distribution and use, as well as accounting for royalty distribution. I cannot see how much he would want here.

#4 thru #9) Not double patented. I also have emails for the patent Examiner showing the unwillingness to sign the first application I filed with his name on it. If it weren't for I, well..... Then to go further, as mentioned in the narrative, the second application was all my invention. THEY ARE, TECHNOLOGICALLY, two very different applications.

#10) Dutta is an absolutely different platform, and an entirely different network. The components, the trigger commands, the centralized servers. Dutta, is not even close to us. By the way, Dutta was filed after we filed for Provisional protection. Even though they patented a completely different network platform, if I wanted to go de-centralized I could, thus would Dutta be infringing on my 1st application? Not only is the file embedded with unique triggers, but we also use centralized servers unlike Dutta. Dutta is very abstract in nature. WE ARE VERY SPECIFIC in all aspects of our components, and trigger mechanisms working with centralized servers. There was also, coincidently, nothing "obvious" as it relates to comparisons between Dutta and the 1st application. We did not have their application information back then, it was not accessible. Even if we did, we created a secure centralized P2P or Internet based platform network that is 100% different than Dutta.

In short, Dutta is a basic P2P platform. The patent examiner needs to realize two things--- a) the Dutta platform has been rejected by content owners and the US Supreme Court, its illegal, and b) its the same basic premises for de-centralized platforms. We are centralized. That's the main difference. Then add our claims to the fact were using an entirely different platform.

#10b) Dutta does not teach the type of platform. What Dutta platform does, would never work into what we have. Never. They are de-centralized P2P. We are centralized Internet based, and if we wanted to P2P. 100% different from Dutta.

#10c) Again our platforms are 100% different. Our users cannot author, insert, nor circumvent content unless it is the content we provide them through the platform. Again, 100% different from Dutta in this aspect. This is another reason why the Dutta platform, as with Fannings platform, has been shut down by the Courts. He also makes reference to "charges the file.." This, technologically makes no sense and is impossible. Beside using AUTHENTIC files inserted into our system by the content owners themselves, all of the triggers are unique for each user, which are pre-programmed before client is delivered to our user, allowing the trigger to communicate with the other centralized servers to deliver content, advertisements and royalties based on each specific user. Dutta, Fanning and the rest of the de-centralized versions fail to even come close to scratching the surface in this area. Again, the ordinary and obvious comments by the examiner are flawed.

#11) Again, all systems, networked, components, triggers or commands for files are 100% different from the other approved patents mentioned by the examiner. These claims should be validated. For example, he mentions Paiz disclosures--- that's ok, but Paiz fails to disclose how they distill advertisements, even users and content for that matter. Our trigger regulates the demand for the advertisements that are stored on a centralized server. unlike the approved patents mentioned. The triggers dictate the command to the ad servers. We are very explicit here, not to mention our processes are only for our invention. The unique triggers regulate the front and back ends. For example, our advertisers control their inventories. They also control set rates, and also control whether or not a users of ours will see a duplicate advertisement or not. All the patents listed by the examiner do not even come close to the specifics we provide as it relates to OUR SPECIFIC platform or network, which again is 100% different from their P2P environment.

Completely different from the approved patents the examiner mentions. We made up our own version of a centralized; secure Internet Based distribution and royalty platform. Nobody comes close. Again we started this in 1999. Dutta, Fanning and others didn't even file back then for the protections they received from the patent office as it relates to a de-centralized P2P distribution. In summary, we go 100 miles past these patents.

#12) The examiner point out that Dutta fails to teach..... etc.....Then states, however Siu discloses the terms "sharing bandwidth." Well, that's ok, but this is PART of a de-centralized network, that is not centralized and does not comprise itself of the various centralized servers, unique user triggers, royalties, and so forth. Sharing bandwidth is UNIQUE in our application. Because nobody thought it was possible to do what I did. Then he goes into obviousness. I hope that by now its obvious, were talking about two entirely different applications, platforms and networks. By the way, their patents are very abstract. No specifics like those that we have. In addition, Dutta and Siu and Fanning patented bandwidth sharing between users in a de-centralized setting. A very different setting to begin with. How can our other claims be mistaken

for what these folks had approved? Towards the end, he goes into the obviousness with the CPU and bandwidth. Again, does not apply here.

#13a) Again, they do not specify what type of P2P network. Again, we have a platform that will regulate any P2P or Internet based content and royalty distribution using centralized servers. Goldberg, for example, fails to show the processes we use in our platform that is 100% different from his. So its impossible to use Goldberg. The technologies are 100% different. Like a car is to a motorcycle. I mean Goldberg does not even go into specifics on how his advertising components work in his de-centralized, approved patent. We do in ours.

#13b) Again, please refer to Exhibit "C". These applications are very different platforms, mechanisms, components, etc. At the end, he mentions it is inherent for the user to select advertisements. No, its not. Our applications are specific--- ads are based solely on the pre-programmed trigger that the user has programmed into their client. Bobby's ads are 100% different Joey's ads. Bobby may speak Spanish. Joey may speak English. Our trigger can tell, the other approved patents mentioned by the examiner fail to do so. Moreover, as other examples, our ads are never repeated. Our ad's are supplied by our advertisers who have 24/7 controls over their advertising inventories. None of the approved patens come in close in their own decentralized P2P environments let come close to even comparing to our multiple, centralized environments.

#14) Again, were 100 % different. While its nice to claim automatic rollover for streaming media, that works for them. It does not cover our platform, or any type of roll over that our system uses. Centralized and decentralized rollovers are 1000% different. Then from there, the examiner must consider that we go into the process of a roll over in OUR SPECIFIC ENVIROMENT.

Beckerman does not even do that for their environment. In fact, as describes in the earlier narrative, all the approved patent applications are 100%, without a doubt different in every single way.

And ps-- IBM's patent? Fails to claim that the actual content is cached and controlled 24/7 by the actual content owners participating in trigger induced, secure, centralized P2P or Internet based distribution, user controlled, royalty generating platform, that also includes an entirely new advertising medium also conducted in a secure centralized environment.

#15) not applicable

Point to Note:

This application, not OKane's second one, would actually regulate the approved patents mentioned by the examiner. This would be done by embedding the file with unique triggers, which originate from a centralized server. In short, every file on these illegal, defunct P2P de-centralized platforms would now become Authentic.

The music industry does not like these Napster versions (See Exhibit "B"), more specifically, the approved patents listed by the examiner for these main reasons;

- content owners were unable to track "certified" content;
- users were able to infuse content at will;
- and there was no royalty mechanism in place to pay for the illegal files which resided on each and every single users computer or hard drive who participated in Napster type of de-centralized P2P platforms.

Please look to the Exhibits on the floppy disk. There you will letters sent to the old "Napster's" and "Gnutella's." OKane has an entirely different set up, platform, unique processes, and usability elements. Plus, OKane's platform, because of its centralized nature, promotes legal content distribution.

Hello Mr. Melucci.

Enclosed you will find responses for TWO Office Actions as it relates to two different applications filed by "Robert OKane." Each containing a Revocation of Power of Attorney and each containing a Petition for Extension. One for Application 10/002,267, and one for Application 09/683,228.

The below narrative is made in order to list the material differences in the applications of Robert OKane and Chris Ricci (1st application) and Robert OKane's (2nd application). As one will see, the second application is in FACT entirely different from the first, and that the 1st application was based on fingerprinting the files, similar to Digital Rights Management, to act as the mechanism to govern users, the content, the ad's played, and the royalties paid.

In patent number #2, the USERS are actually "finger printed" in which their activity within a SECURE P2P Environment is governed by a Centralized Servers. In summary, both applications are materially different from each other's, and in fact materially different in every aspect from the approved patents mentioned by our patent examiner.

Number two was made because Robert OKane felt the first patent, which was co-authored with Chris Ricci, would infringe on other Digital Right Management Patents. Surprisingly enough, there are no patents on record which actually cover the distribution of fingerprinted digital right files that are equipped with certain permissions governing the activity of users over a secure P2 network using centralized servers, nor are there any similar patents as it relates to my second application in which we actually secure each user so they have a unique identity within our centralized servers, already in a secure P2P setting using the processes that are initiated by each users unique Triggers which are used together, or in conjunction to perform what we actually deliver as a final product. Networks and server setting in a P2P environment are very critical. The differences are simply astronomical between Okane's applications

The patent examiners list of patents do not apply to our inventions at all. To add to that, the approved patents, when their processes are combined in a DE-CENTRALIZED environment has been deemed to be ILLEGAL by the UNITED STATES SUPREME COURT. Both patent applications, even though they are different, are legal. When I made these applications, I knew there was only two ways to make these processes work. And I covered them both, unlike the the the six patents referenced by the patent examiner. The way those six patents describe the search, the acquisition and delivery of content, again, all in a basic, de-centralized P2P environment that has been deemed illegal by the Supreme Court recently. Ours is 100% legal. Every aspect of each application I filed is materially different than any other application in existence.

So much so, that Sean Fanning has opened SnoCap from the knowledge we provided them under Non Disclosure. He has yet to cover the technologies, mainly due to the fact Napster had been in litigation when I was designing these new, Secure P2P Environment using unique file permissions or fingerprints in Patent #1 and illustrated in Patent #2 where we reverse the authenticity and make each user secure and unique rather than each FILE using centralized servers for the user inventory, the content inventory, the advertising inventory, and the royalty aggregation/inventory centralized server. All servers must be present for this invention to work. The processes when combined in conjunction with the trigger, make our invention unique and whole. Any applications filed by Sean Fanning post 2001, will contain the same material we have in Patent #1 and Patent #2. But we beat him and any applications he put in describing our methods by at least two to three years.

The patent examiner mentions six separate applications covering activities as it relates to DE-CENTRALIZED P2P NETWORKS (THEY ARE SPECIFIC) CONTENT SEARCH AND DIGITAL FILES

BEING EQUIPPED WITH ADS WHICH COULD IN TURN ACT AS PAYMENT. The patent examiner has failed to realize the differences between what these applications are vs. ours. We use centralized servers in a secure setting. These other applications covered P2P exchanges, searches and so forth in a de-centralized base. Meaning each users computers acts a station to process content off of each others computers or networks. We don't. The actual bandwidth sharing is not consequential in what we offer because the content derived, the ad's played or chosen, and the royalties delivered and accounted for come from centralized servers. Users cannot insert content, or distribute content that is not recognizable to one of many processes our Triggers govern and regulate . We offer the reverse of what the patent examiner mentions.

For example, my 1st application, 10/002,267, shows or depicts the Trigger as a stand alone device that "attaches itself to files" which is not the case in the second application. The 2nd application turns EACH UNIQUE Trigger into an actual device that handles and governs many different processes within a secure Centralized P2P setting but never actually embeds itself into a file. The most notable trigger governed processes are: 1- User recognition, 2- Exchanging 3- Tracking 4- ad placement and 5- Royalty Distribution.

The first patent, the actual embedded file "talks and allows for certain actions and processes to take place within and between our centralized servers. (the user centralized server, the ad centralized server, the content centralized server and the royalty distribution centralized servers.) The second patent is a 100% different in both the applications and the technology in which the users client, within a secure, centralized P2P environment where the *actual user is "embedded"* with a unique trigger that "talks" and controls PRECISE actions and processes that take place within and between our centralized servers. (the user centralized server, the ad centralized server, the content centralized server and the royalty distribution centralized servers.)

A word to note as well: we filed provisionary patent in 1999. One year before DUTTA filed for protections on their so called invention (ref: 6/63,854). So if we really were concentrating on the de-centralized versions of P2P content delivery and searches, we should have filing precedence. Our applications were filed before they were approved. In a insecure, de-centralized setting, users are also allowed to make content on each of their unique computer or network available to the world in a P2P setting such as the applications the patent examiner makes note of. In ours, its impossible being the content inventory in regulated by the actual content owner, not us nor the trigger. The users do not have the ability to insert content. Yet another reason why the LAW deems our patent applications "legal."

The created the Narrative Decapitating the differences used in the SECOND APPLICATION, numbered 09/683,228. I have made comments in bold blue blended into the actual application in order to help others differentiate between the two applications. I have also included, separately, the six patents mentioned by the examiner containing notes as to how those applications differ from the two patents all of this correspondence has been prepared for.

One point to note: the patent examiner also mentions the terms "obvious and ordinary skill at the time." At the time I prepared my Provisional Patent in 1999, and the utility applications, patent applications that were pending were not accessible. Not only are my applications 100% different than those mentioned by the patent examiner, but they are broad and very punctual as it relates to the relationships between the triggers and the centralized servers.

I affirm all of this information contained in this letter is true and accurate.

Respectfully

Robert OKane